

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

LEONID GOLDSTEIN

Plaintiff

v.

MAURA TRACY HEALEY, Attorney General of
Massachusetts, in her official capacity,

Defendant

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CIVIL CASE NO.

4:16-CV-469-K

COMPLAINT

PRELIMINARY STATEMENT

1. I, Leonid Goldstein, bring this action for declaratory and injunctive relief against Maura Healey, the Attorney General of Massachusetts. I seek an injunction barring the enforcement of a civil investigative demand to ExxonMobil ("CID"), an injunction limiting damage related to issuing this demand, and a declaration that a civil investigative demand to ExxonMobil violates **my rights** under the federal law.

JURISDICTION AND VENUE

2. This action arises under The Constitution of the United States of America.

3. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. § 1331.

4. This Court has personal jurisdiction over the Defendant pursuant to, *inter alia*, 18 U.S.C. § 1965, 28 U.S.C. § 1361, and 28 U.S.C. § 1367. I am a Texas resident, and have been Texas resident continuously since 2014, when the events given the rise to this action were happening. Thus, the Defendant violated my Constitutional rights in Texas.

5. Venue is proper within this District pursuant to 28 U.S.C. § 1391(b) because substantial part of the events giving rise to the claims occurred in the Northern District of Texas. The Defendant violated and attempted to violate my Constitutional rights using corporations headquartered in the Northern District of Texas as proxies. The Defendant violated my Constitutional rights by attempting to impose powers of the UN and/or other foreign entities in the Northern District of Texas. The Defendant violated my Constitutional rights by attempting to or conspiring to damage energy facilities in the Northern District of Texas. The Defendant violated or

attempted to violate my Constitutional rights by her actions under color of law, conducted in the Northern District of Texas.

THE PARTIES

6. I, **Leonid Goldstein**, am a permanent resident of the United States of America, a resident of Texas, and a citizen of Israel. I have a Master of Science degree in Mathematics, more than 20 years of experience in computer/software engineering, multiple patents, and multiple publications in peer-reviewed literature on renewable energy. I have performed peer reviews for scientific journals in the field of renewable energy. I have been studying the history of the “carbon dioxide - climate change - global warming” politics and of climate alarmism, and am able to testify expertly on these subjects.

7. Defendant Maura Healey is the Attorney General of Massachusetts. She is sued in her official capacity.

STATEMENT OF FACTS

8. I restate each and every allegation from the Motion to Intervene, Sections II-IV, as if fully set forth herein.

CAUSES OF ACTION

COUNT I

9. I restate each and every allegation in the foregoing paragraphs as if fully set forth herein.

10. Massachusetts Attorney General Healey violated and continues violating the United States Constitution, in particular Article I, Article II, the First Amendment, and the Fifth Amendment.

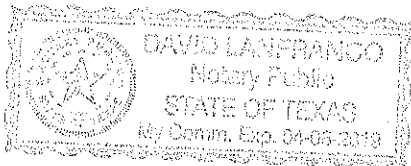
REQUEST FOR RELIEF


WHEREFORE, I request that Attorney General Healey be summoned to appear and answer, and that this Court awards me following relief:

- a) A declaratory judgment pursuant to 28 U.S.C. § 2201, declaring that the issuance of the CID violates rights of every American citizen under the Article I, Article II, the First Amendment, and the Fifth Amendment of the US Constitution;
- b) A declaratory judgment pursuant to 28 U.S.C. § 2201, declaring that the issuance of the CID violates my rights under the Article I, Article II, the First Amendment, and the Fifth Amendment of the US Constitution;
- c) A preliminary and permanent injunction against collecting any information, potentially related to the missile defense, nuclear facilities, and the energy infrastructure that has been requested by Climate Action Network (Beirut, Lebanon), its nodes, or member organizations;
- d) A preliminary and permanent injunction against transferring any information already in possession of AG Healey, potentially related to the missile defense, nuclear facilities, and the energy infrastructure to Climate Action Network, its nodes, and member organizations;
- e) Such other and further relief as is just and proper.

Dated: October 23, 2016

 10-23-16




Leonid Goldstein, *pro se*

12501 Tech Ridge Blvd., #1535

Austin, TX 78753

(408) 921-1110

ah@defyccc.com

Verified Complaint


Verification


I, Leonid Goldstein, declare as follows:

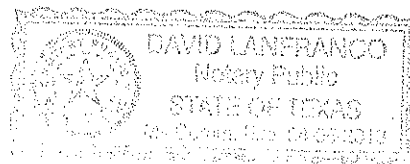
My name is Leonid Goldstein, and I am Plaintiff-Intervenor-Applicant in this case. I am over 18 years of age and am fully competent in all respects to make this verification.

I have written the foregoing Complaint and declare under penalty of perjury that the statements contained therein are true and correct to the best of my knowledge, information, and belief.

Executed on September 23, 2016.

Signature:	
Print Name:	Leonid Goldstein
Address:	12501 Tech Ridge Blvd., Apt. 1535
City, State, Zip:	Austin, TX 78753

 10-23-16



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AFFIDAVIT

Scientific Summaries

Climate Change Reconsidered II, Summary for policymakers (Appendices G1-G2) is a scientifically authoritative report, developed by a number of distinguished scientists from the US and the allied countries. It refutes false and misleading claims contained in the IPCC summaries and other documents. It was available to AG Healey in the time when she decided to rely on the unverified and false claims of the foreign political entities.

The *Summary of Science* (Appendix H) is authored by me. It is the latest all-American summary of the sciences, relevant to the climate change debate. It is not offered as an expert testimony, but as a concise report, compiled by a lay person after reasonable inquiry and investigation. It was posted on my website from February 1, 2016 to September 7, 2016. It was available AG Healey in the time when she decided to rely on the unverified and false claims of the foreign political entities.

Baseless Deference to the non-existent Authority of the IPCC

AG Healey relies on texts from the Intergovernmental Panel on Climate Change (IPCC), treating it as an authority and a legitimate scientific institution. But the IPCC is neither: it is a political body within the United Nations political maze. It was created by a decision of the UNEP and WMO in 1988. Of course, the US has never recognized IPCC as an authority of any kind. In fact, the only "climate change" related international agreement signed by the US and ratified by the Senate, with conditions, was the 1992 United Nations Framework Convention on Climate Change (UNFCCC). Even this Convention was declarative in its nature. This fact refutes the AG Healey's derivative allegation that "climate change is the main issue of our time." The governing structure of the IPCC is appointed by representatives of all 195 UN member nations, with each nation getting one vote. The IPCC's "scientific" texts undergo censorship and require approval by representatives of the same 195 UN member nations. The vast majority of those nations possess very little scientific expertise and are either hostile to the US or are easily manipulated into taking hostile positions. Most of them are also promised "reparations" from the United States for "finding" that they have suffered damage from the carbon dioxide emissions.

Climate Pseudo-Science Nonsense

The sciences, required for understanding possible climate changes, are genuinely complex. Nevertheless, the conclusion that carbon dioxide emissions are beneficial, rather than dangerous or even harmful, is well established.

The claims to the opposite are purely politically driven. The climate pseudo-science alleged by AG Healey as the justification for this CID and the whole investigation is self-contradictory and blatantly ridiculous. It only seems hard to understand. In fact, it is impossible to understand - because it is nonsense. Nonsense cannot be understood, by definition, but can only be exposed. Those who pretend they understand nonsense betray their own scientific illiteracy.

None of the speakers at the March 29 "Attorneys General United for Clean Power" press conference referred to any scientific theory to justify their alleged concern about "climate change," whatever this phrase meant for them. No such reference can be found in the CID or its Appendixes. But CID Schedule A, Section B does attempt to define "climate change" and some related terms. For example:

3. "Carbon Dioxide" or "CO₂" means the naturally occurring chemical compound composed of a carbon atom covalently double bonded to two oxygen atoms that is fixed by photosynthesis into organic matter.

This shows that AG Healey is aware that carbon dioxide is a naturally occurring gas. AG Healey is also aware that it is fixed by photosynthesis into organic matter. In simple words, carbon dioxide is plant food. Nevertheless, she started a malicious investigation based on the pseudo-scientific claim that carbon dioxide emissions are harmful.

Other "definitions" contain logical fallacies, factual errors, and show the general incompetence of those who issued the CID. These definitions are distorted entries from the 2012 IPCC Glossary. Their common errors include:

- 1) Mixing up the so-called "climate models" and the real world.
- 2) Redefining common English words in ways that contradict their usual meaning, in order to fit the alarmist agenda.
- 3) Mixing definitions with statements about the terms being defined.
- 4) Claiming political buzzwords as scientific terms.

4. "Climate" means the statistical description in terms of the mean and variability of relevant quantities, such as surface variables, including, without limitation, temperature, precipitation, and wind, on Earth over a period of time ranging from months to thousands or millions of years. Climate is the state, including a statistical description, of the Climate System. See Intergovernmental Panel on Climate Change (IPCC), 2012: Glossary of terms. In: Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation [Field, C.B., V. Barros, T.F. Stocker, D. Qin, D.J. Dokken, K.L. Ebi, M.D. Mastrandrea, K.J. Mach, G.-K. Plattner, S.K. Allen, M. Tignor, and P.M. Midgley (eds.)]. A Special Report of Working Groups I and II of the IPCC. Cambridge University Press, Cambridge, UK, and New York, NY, USA (the "IPCC Glossary"), p. 557.
- a) We know what climate is. The Dallas climate is different from the Boston climate, and both are different from the climate in Los Angeles. Climate can be simply defined as a combination of the average ambient temperature, the average difference of the winter and summer temperatures, and the average precipitation at a given location. Climate is not a "statistical description," as the IPCC definition states. "Statistical descriptions" exist in computer models. AG Healey here confuses the real physical world with computer models supposedly describing it.
- b) This attempted definition of "climate" defines nothing. For instance, it includes the phrase "relevant quantities, such as surface variables, including, without limitation, temperature, precipitation, and wind." But "including, without limitation" is a legal phrase, not a scientific one. Scientific definitions do set limitations, by their very nature.
- c) The attempted definition continues, "over a period of time ranging from months to thousands or millions of years." So, months or millions of years? Does it make a difference for AG Healey?
- d) That is not the end. This parody of a definition is followed by a second parody, contradicting the first one: "Climate is the state, including a statistical description, of the Climate System." In the first sentence, "climate" was a "statistical description," and now it is "the state, including a statistical description." The only thing common to both is confusing reality with computer models. Minor logical errors, such as defining the simple term *climate* through a compound term *climate system*, are hardly worth mentioning.
- e) Finally, there is a reference to an IPCC Glossary, which attempts to explain the term *climate* in a better way than either of AG Healey's attempts. AG Healey seems confused about what *climate* is. Instead of reading a good book about it, she demands from Exxon millions of documents!

5. “Climate Change” means a change in the state of Earth’s Climate that can be identified (e.g., by using statistical tests) by changes in the mean and/or the variability of its properties and that persists for an extended period, typically decades or longer. *See IPCC Glossary, p. 557.*
- a) Above, AG Healey failed to define what *climate* is. Now she introduces, but not defines, the term “Earth’s Climate”. But there is no singular climate on Earth: each area has its own climate. There are deserts, there are rainforests, there is ice-covered Antarctica, and so on. Which climate does she mean? An “average climate” over all areas of the Earth does not make sense.
- b) Then, the definition again refers to the IPCC Glossary, where we discover a surprise. The IPCC Glossary honestly states, “Climate change may be due to natural internal processes or external forcings, or to persistent anthropogenic changes in the composition of the atmosphere or in land use.¹” The footnote says: “This definition differs from that in the United Nations Framework Convention on Climate Change (UNFCCC), where climate change is defined as: ‘a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.’ The UNFCCC thus makes a distinction between climate change attributable to human activities altering the atmospheric composition, and climate variability attributable to natural causes.”
- More accurately, in 2001 it became clear even to the hotheads that the slight warming of the Earth’s surface over the 20th century was mostly or entirely due to natural factors. The IPCC got around this “inconvenient fact” by re-defining the term *climate change* in its paperwork.
- c) This should have been the end of the story. What AG Healey called “the most pressing issue of our time” has been proven not to be an issue at all.
6. “Climate Model” means a numerical representation of the Climate System based on the physical, chemical, and biological properties of its components, their interactions, and feedback processes, and that accounts for all or some of its known properties. Climate models are applied as a research tool to study and simulate the climate, and for operational purposes, including monthly, seasonal, interannual, and longer-term climate predictions. *See IPCC Glossary, p. 557.*

- a) A *Climate Model* is defined as a “numerical representation of the Climate System ... that accounts for all or some of its known properties.” Note that at this point in the CID, the term *Climate System* was not defined. Disregarding this defect, should a climate model account for **all** or **some** known properties of the “Climate System”? Models that account for **all** properties of the “Climate System” do not exist, and will never exist. On the other hand, many physical laws, known for centuries, do account for **some** properties, but nobody calls them “climate models.”
 - b) Another logical fallacy is making an assertion about the defined term as a part of a definition. While the “climate models” described in the definition might not exist at all, the CID implicitly asserts that they do exist, and are “applied as a research tool to study and simulate the climate, and for operational purposes, including monthly, seasonal, interannual, and longer-term climate predictions.” Here, the CID also confuses climate models, which are currently worthless, with useful but unrelated meteorological models.
 - c) Next there is a reference to the IPCC Glossary, which further makes a vague claim that “The climate system can be represented by models of varying complexity,” followed by a patently false statement: “Coupled Atmosphere-Ocean Global Climate Models (AOGCMs), also referred to as Atmosphere-Ocean General Circulation Models, provide a representation of the climate system that is near the most comprehensive end of the spectrum currently available.”
7. “Climate Risk” means the risk that variables in the Climate System reach values that adversely affect natural and human systems and regions, including those that relate to extreme values of the climate variables such as high wind speed, high river water and sea level stages (flood), and low water stages (drought). These include, without limitation, such risks to ecosystems, human health, geopolitical stability, infrastructure, facilities, businesses, asset value, revenues, and profits, as well as the business risks associated with public policies and market changes that arise from efforts to mitigate or adapt to Climate Change.
- a) The claim that “Climate Risk is a risk that variables in the Climate System reach values that adversely affect natural and human systems” mixes up computer models and the real world, again. There is no way in which some variables, existing only in computer memory, would affect natural or human systems.
 - b) The already familiar “include, without limitation” appears again.
8. “Climate Science” means the study of the Climate on Earth.

- a) "Climate Science," as practiced now, is a pseudo-science.
9. "Climate System" means the dynamics and interactions on Earth of five major components: atmosphere, hydrosphere, cryosphere, land surface, and biosphere. *See IPCC Glossary, p. 557.*
- a) This definition excludes the most important factor in the climate – the Sun. The amount of sunlight is the most important factor in determining temperature, at any time and in any location on the Earth. Solar activity variation was the cause of the small global warming over the course of the 20th century.
 - b) It's worth noticing that this definition belongs entirely to AG Healey. The IPCC Glossary does mention, through clenched teeth, solar variability as one of "external forcings" in the "climate system." AG Healey distorted an already distorted IPCC definition even further, to make her case that climate change on Earth is anthropogenic, harmful, and the fault of American industry.
 - c) Once, it was believed that the Sun moves around the Earth. Then it was understood that the Earth moves around the Sun. But Massachusetts AG Healey, pretending that the Sun does not exist at all, stand out as a unique case in the human history!
10. "Global Warming" means the gradual increase, observed or projected, in Earth's global surface temperature, as one of the consequences of radiative forcing caused by anthropogenic emissions.
- a) This definition repeats and amplifies previously encountered logical fallacies. It includes the incorrect assertion that "radiative forcing" (a term originating in the computer modeling) is caused by anthropogenic emissions. Then the definition makes the wrong conclusion that "'Global Warming' ... [is] caused by anthropogenic emissions."
 - b) "'Global Warming' means the gradual increase, observed or projected, in Earth's global surface temperature." **Observed** or **projected**? There is a huge difference between the two. Observations can be compared. Witnesses can be called to testify about observations. Projections are opinions or even matters of faith. This is especially true about projections made of events hundreds of years in the future, as is typical in the so-called "climate science."

11. "Greenhouse Gas" means a gaseous constituent of Earth's atmosphere, both natural and anthropogenic, that absorbs and emits radiation at specific wavelengths within the spectrum of infrared radiation emitted by the Earth's surface, the atmosphere, and clouds. Water vapor (H₂O), carbon dioxide (CO₂), nitrous oxide (N₂O), methane (CH₄), chlorofluorocarbons (CFCs), and ozone (O₃) are the primary Greenhouse Gases in the Earth's atmosphere. *See* IPCC Glossary, p. 560.
12. "Greenhouse Gas Emissions" means the exiting to the atmosphere of Greenhouse Gas.
 - a) The opening claim, "'Greenhouse Gas' means a gaseous constituent of Earth's atmosphere, both natural and anthropogenic," is meaningless, because the Earth's entire atmosphere is gas.
 - b) The definitions of "Greenhouse Gas Emissions" on p. 12 and "Greenhouse Gas" on p. 11 are mutually contradictory. According to p. 11, "Greenhouse Gas" is already a part of the atmosphere. How can a part of the atmosphere exit into the atmosphere?
14. "Radiative Forcing Effect" means the influence a factor has in altering the balance of incoming and outgoing energy in the Earth-atmosphere system and is an index of the importance of the factor as a potential climate change mechanism.
 - a) Somebody needs to translate this mumbo jumbo into English.

These "definitions" are so tortured because they were devised to reconcile the predetermined outcome – that carbon dioxide emissions caused dangerous climate change – with the scientific conclusion that they did not. Further, AG Healey demands Exxon to apply these "definitions," made in 2012, to scientific papers and other documents written in the 1970s and 1980s.


Declaration

I, Leonid Goldstein, declare as follows:

My name is Leonid Goldstein, and I am Plaintiff-Intervenor-Applicant in this case. I am over 18 years of age and am fully competent in all respects to make this affidavit. I submit this Affidavit in support of the Motion to Intervene and the Complaint.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 23, 2016.

Signature:	
Print Name:	Leonid Goldstein
Address:	12501 Tech Ridge Blvd., Apt. 1535
City, State, Zip:	Austin, TX 78753

David Lanfranco 10-23-16

